

JUN 24 2005

Attorney Docket No.: SEQ-4031-UT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN	
Application No.: 10/608,296	Examiner: To Be Assigned
Filed: 27 June 2003	Group Art Unit: To Be Assigned
Title: Diagnosing Predisposition of Fat Deposition and Associated Conditions	
Attorney Docket No.: SEQ-4031-UT	

**COMMUNICATION REGARDING SUBMISSION OF PREVIOUSLY FILED
PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)**

Mail Stop: Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

VIA FACSIMILE: 703-872-9306

Sir:

The undersigned attorney requests that the Petition Division consider the submission of the attached documents retroactive to the date of December 6, 2004 or December 7, 2004, when they were filed with the Office by facsimile. The reason for the request for retroactive acceptance is as follows.

On December 6, 2004, the attached Petition to Withdraw Holding of Abandonment and supporting documents were filed by facsimile at (703) 872-9306. When the confirmation report was received, it was determined the number of pages listed as transmitted did not match the number of pages in the filing. Immediately following receipt of this report, the documents were filed again via facsimile on December 7, 2004.

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Attached is a copy of the filing on December 6, 2004 and December 7, 2004, and a copy of each confirmation report is attached to the end of the filing. The confirmation report at the very end of the attachment shows all 26 pages were received by the Office on December 7, 2004.

Applicants respectfully request that the Abandonment be withdrawn under 37 C.F.R. § 1.181(a) in accordance with the attached Petition.

It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. However if the Patent Office determines that an extension and/or other relief is required, the undersigned attorney petitions that the Office contact him immediately at (858) 623-9470.

Respectfully submitted,

By

Bruce D. Grant
Reg. No. 47,608
Telephone No.: 858 623-9470
Facsimile No.: 858 623-9476
Email: bruce@biotechnologylawgroup.com

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8:
The undersigned hereby certifies that this correspondence is being transmitted to facsimile no.: (703) 872-9306 at Mail Stop: Petitions, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date of Deposit: JUNE 24, 2005

Typed Name: Bruce D. Grant

Signature: _____

JUN 24 2005

Attorney Docket No.: SEQ-4031-UT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gail I. ADAM and Maria L. LANGDOWN	
Application No.: 10/608,296	Examiner: To Be Assigned
Filed: 27 June 2003	Group Art Unit: To Be Assigned
Title: DIAGNOSING PREDISPOSITION OF FAT DEPOSITION AND ASSOCIATED CONDITIONS	
Attorney Docket No.: SEQ-4031-UT	

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181(a)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This petition is in response to a Notice of Abandonment issued by the Office on October 21, 2004 for failure to reply to a Notice to File Missing Parts mailed on September 24, 2003. Applicants respectfully request that the Office withdraw the holding of abandonment as the Notice to File Missing Parts never was received, as described in further detail hereafter.

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REMARKS

The Applicants respectfully request that the Office withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) on the basis that the outstanding Notice to File Missing Parts was not received in time to file a response within the statutory period.

The Notice to File Missing Parts was not received by the Applicants' former representatives and a search of the file jacket and docketing records indicated that the Notice to File Missing Parts never was received. As evidence of non-receipt, attached as Exhibit A is a copy of the docket record for November 24, 2003, where the shortened statutory deadline for filing a response to the Notice to File Missing Parts would have been present had it been received. Thus, the Notice to File Missing Parts never was received from the Office and Applicants respectfully request that the Office withdraw the holding of abandonment.

This Petition is timely filed as it is submitted within two-months from the date the Notice of Abandonment was mailed by the Office.

Applicants file herewith a duly executed Declaration and surcharge fee of \$65.00 to fulfill the requirements of the Notice to File Missing Parts for the purpose of expediting prosecution. Also filed herewith is a Power of Attorney and Statement under 37 CFR 3.73(b) with a copy of an Assignment.

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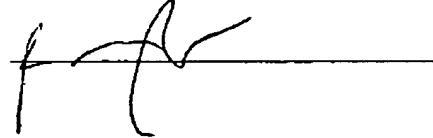
It is believed that no fees are due in connection with this submission other than the surcharge fee with the Notice to File Missing Parts. If the Office, however, determines that an extension and/or other relief is required, Applicant requests that the Office contact the undersigned immediately at (858) 623-9470.

Respectfully submitted,

By



Bruce D. Grant
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BioTechnology Law Group
658 Marsolan Avenue
Solana Beach, California 92075
Telephone No.: 858 623-9470
Facsimile No.: 858 623-9476

Signature: 

Monday, November 24, 2003

M O R R I S O N & F O E R S T E R , L.L.P.
Morrison & Foerster Actions Due Docket

Item	Action Due Deadline	Action	Docket #	Country	Application #/Date	Sequence	Sub Status	Billing	Works	Asses	Asses Date	Mo/Fr/Office
Monday, November 24, 2003												
11/24/2003	11/24/2003	1-OA Resp Filed	21800-20283.47	China P.R.	980071528 5/21/1998 Filed	Client Regs MF/Am	KHM1 KHM1 JMS3	SD	San Diego			
PIAR 11/24/2003		Miss Parts Mail Date	21900-20297.00	United States	10554,049 9/2/2003 Filed		KHM1 CAF2	SD	San Diego			
PTAR 11/24/2003		IDS Due	22000-20662.01	United States	10/05,191 11/10/2003 Filed	GPE2 GPE2		SD	San Diego			
11/24/2003		Amndt/Not Abandon	27801-20015.42	Canada	2423658 9/20/2001 Filed	KHM1 JMS3	SD San Diego					
11/24/2003		Amndt/Not Abandon	27801-20017.42	Canada	2423675 9/26/2001 Filed	KHM1 JMS3	SD San Diego					
11/24/2003	12/2/2003	1-OA Resp Filed	27801-20030.42	Canada	2127295 1/1/1993 Inactive Transferred	KHM1 JMS3	SD San Diego					
METHOD FOR INHIBITION OF PHOSPHOLAMBAN ACTIVITY FOR THE TREATMENT OF CARDIAC DISEASE												
METHODS AND COMPOSITIONS FOR ENHANCING ANGIOGENESIS												
METHODS FOR DETECTING VASCULOPATHIES AND TUMORS												
PEPTIDE LINKAGE UNIT COMPRISING METIMLENE PHOSPHINIC ACID												
PER CLIENT'S 10/27/2003 EMAIL, CLIENT DOES NOT WISH TO FILE DI FOLLICLE STIMULATING HORMONE-GLYCOSYLATION ANALOGS												
11/24/2003	11/24/2003	File Dis/Canc Appl?	2850-203010.06	United States	08/03/31,41 12/07/2000 Granted Allowed	KHM1 KHM1	SD San Diego					
3) "DD OF 11/24/2003 IS NOT EXTENDABLE;			2850-2005.48	China P.R.	851907492 8/11/1995 Filed	KHM1 KHM1	SD San Diego					
11/24/2003	11/30/2003	1-OA Resp Due	31177-2005.47	pean Patent Office	989549844 12/31/1998 Inactive	Abandoned	GHM1 KZ21	SD San Diego				
PIGMENTED RETINAL EPITHELIAL CELLS FOR CREATION OF AN IMMUNE PRIVILEGE SITE												

EXHIBIT A

Monday, November 24, 2003

MORRISON & FOERSTER L.L.P.
Morrison & Foerster Actions Due Docket

MORRISON & FOERSTER L.L.P.
Morrison & Foerster Actions Due Docket

<u>Item</u>	<u>Action Due</u>	<u>Deadline</u>	<u>Action</u>	<u>Docket #</u>	<u>Country</u>	<u>Application/Date</u>	<u>Status</u>	<u>Sub Status</u>	<u>Billing</u>	<u>Worker</u>	<u>Assig</u>	<u>Assig</u>	<u>MoFo Office</u>
11/24/2003	Ltrs Patent Recd			3117-2000648	South Africa	20018251	Granted		GHM1	KRZ1			SD San Diego

PIAR 11247203
Miss Part Mail Date 31276-20039.00 United States 10555,607 8/3/2003 Filed
HOMOCYSTEINE ASSAY ADAPTABLE TO SCREENING KHMI KHMI
SD San Diego

HOMOCYSTEINE ASSAY ADAPTABLE TO SCREENING

PTAR 11202003 11202003 Suppl. IDs Filed
SRCH REPT ISSUED 8/20/2003;
SYSTEMS AND METHODS FOR EVALUATING PATIENT-SPECIFIC INFORMATION AND PROVIDING
LMA2 KHM1 SD San Diego
35559-20002.00 United States 10042766 1/8/2002 Filed

KLASS KHM1 SD San Diego

PTAR 11242003
Miss Paris Mail Date 3/18/2009-2006/22 United States 10655-393 9/5/2009 Filed RUMI RUMI
PREFERENTIALLY SUBSTITUTED CALCIUM CHANNEL BLOCKERS

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11242003	11242003	Annuity Due	39144-20003-54	Japan	2404955	12/21/1990 Granted	Client Pays MF/Am	KHM1	KHM1	SD San Diego
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LINKED CYCLIC POLYAMINES ACTIVE AGAINST HIV

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11/24/2003	11/28/2013	1-DA Resp Filed
39144-20079-55	Hungry	9601918

REQ. 2 MONTHLY EDT ON 9/24/2003;
N,N-DIETHYL-3,8-DIPROPYL-2-AZASPIRO[4.5]DECANE-2-PROPANAM DIIMALEIC SALI

WAKA KHAI SD, San Diego

112472003 112472003 Chapter 2 Demand Due 432/12-20035.au em: Cooperation in PC-INDUSTRY: AGENCIES TRIED

PER CUEVTS INSTRUCTIONS DATED 10/17/2003 THEY DO NOT WISH IDENTIFICATION OF CONCUBINES WHICH IS SIMPLY ALL DONE IN CHINESE. THEY DO NOT WANT

AMERICAN RADIATOR-BEHR FILLED 4500-27000231 United States 10/23/1971 1H020001 Filed KHM1 PXCS SD San Diego

THE JOURNAL OF CLIMATE

112462003	Published?	47341 2008-00	United States	10/15/55,935	524/2002	Inactive	Transferred	LA02	LA02	SD	San Diego
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IS6110 BASED DIRECT MOLECULAR DETECTION OF MYCOBACTERIUM TUBERCULOSIS

Monday, November 24, 2003

MORRISON & FOERSTER Actions Due Docket

Item	Action Due	Deadline	Action	Published?	Docket #	Country	Application Date	Status	Sub-Status	Billing	Code	Assg	Att/2	Mo/F Offce
11242003					47541-20012-00	United States	10/15/666	5/24/2002	Inactive	Transferred	KHM1	LAA2	SD	San Diego

COMPOSITIONS AND METHODS FOR PERFORMING HYBRIDIZATION ASSAYS USING TARGET

PTAR	11242003	Notice Allow/Mail Date	47544-20012-10	United States	09/05/664	3/13/2001	Filed	Allowed	GPE2	GPE2	SD	San Diego

METHOD FOR IDENTIFYING MICROBIAL PROLIFERATION GENES

11242003	11242003	1-OA Resp Filed	51158-20026-43	pean Patent Convn 699517402	9/30/1999	Inactive	Abandoned	KHM1	JAM3	SD	San Diego
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2) DEADLINE INCLUDES 10 DAY GRACE PERIOD:

PTANS: TESTIS-SPECIFIC PROTEINS EXPRESSED IN PROSTATE CANCER

11242003	Published?	52401-20004-40	en Cooperation w/ PCT/CN02	9/18/2002	Filed	Monitoring Case	KHM1	PKC5	SD	San Diego

METHODS AND COMPOSITIONS USING NEUROGULIN FOR REDUCING CARDIOTOXICITY OF

11242003	Published?	52401-20005-40	en Cooperation w/ PCT/CN02	9/24/2002	Filed	Monitoring Case	KHM1	PKC5	SD	San Diego

THE EFFECT AND APPLICATION OF NEUROGULIN IN REDUCING THE CARDIOTOXICITY INDUCED

PTAR	11242003	Assignment Filed	52431-20007-00	United States	10/376,949	2/28/2003	Filed	KHM1	CAF2	SD	San Diego
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NUCLEOSIDE 5'-MONOPHOSPHATE MIMICS AND THEIR PRODRUGS

11242003	IPER Due	52441-20004-46	South Africa	2002/277	10/25/2000	Filed	Allowed	KHM1	KHM1	SD	San Diego
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NUCLEOSIDE 5'-MONOPHOSPHATE MIMICS AND THEIR PRODRUGS

PTAR	11242003	Published?	52459-20003-00	United States	10/215,554	8/8/2002	Filed	KHM1	RCK2	SD	San Diego
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MICROBE, MICROBIAL EXOPOLYSACCHARIDE AND USES THEREOF

11242003	Published?	52459-20003-40	en Cooperation w/ PCT/US02	5/20/2003	Filed	KHM1	RCK2	SD	San Diego
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METHOD AND SYSTEM FOR PURCHASING GENETIC DATA

Monday, November 24, 2003

M O R R I S O N & F O E R S T E R , L L P
Morrison & Foerster Actions Due Docket

Item	Action Due	Deadline	Action	Docket #	Country	Amendment #/Date	Status	Sub Status	Billing	Mark	Assg	Ass2	Mat/Offic
11/24/2003			With Opinion Mail Date	63251-20007.40	enl Cooperation Tr PCTNS031	326/2003 Filed	KHM1	KHM1	KHM1	KHM1	KHM1	KHM1	SD San Diego
PARAMAGNETIC PARTICLES THAT PROVIDE IMPROVED RELAXIVITY													
11/24/2003	2/24/2004	Appealed 2 month esteris		53273-20002.00	United States	08/072,527 6/1/1997 Filed	KHM1	PXCS					SD San Diego
	2). FILE RCE ON 11/24/2003;												
11/24/2003		Request Continued Exam		53273-20002.00	United States	08/072,527 6/1/1997 Filed	KHM1	PXCS					SD San Diego
11/24/2003		Supl And Filed		53273-20002.00	United States	08/072,527 6/1/1997 Filed	KHM1	PXCS					SD San Diego
11/24/2003		Declaration Filed		53273-20002.00	United States	08/072,527 6/1/1997 Filed	KHM1	PXCS					SD San Diego
11/24/2003		Declaration Filed		53273-20002.01	United States	09/216,062 12/18/1998 Filed	KHM1	PXCS					SD San Diego
	CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION												
11/24/2003		Request Continued Exam		53273-20002.01	United States	09/216,062 12/18/1998 Filed	KHM1	PXCS					SD San Diego
	CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION												
11/24/2003		Supl And Filed		53273-20002.01	United States	09/216,062 12/18/1998 Filed	KHM1	PXCS					SD San Diego
	CELLULAR VACCINES AND IMMUNOTHERAPEUTICS AND METHODS FOR THEIR PREPARATION												
11/24/2003	4/21/2004	Power of Attorney filed		54916-20001.64	South Africa	20033138 10/29/2001 Filed	KHM1	KHM1					SD San Diego
	NOVEL GLYPHOSATE-NACETYL TRANSFERASE (GAT) GENES												

Monday, November 24, 2003

MORRISON & FOERSTER LLP
Morrison & Foerster Actions Due Docket

Item	Actions Due	Deadline	Action	Docket #	Country	Application #/Date	Status	Sub Status	Billing	Hours	Assis	Asst2	Mo/Office
11/24/2003		1/26/2004	Dwgs Filed	54916-2003.41	Argentina	P63010384 10/22/2003 Filed			KHM 1	BDG3			SD San Diego
				PER FAX DATED 10/23/2003 DRAWS DUE:									
						NOVEL COMPOSITIONS WITH CHITINASE ACTIVITY							
11/24/2003			Natl Filing Fee Pd										
				56446-2018.67	Brazil	P10208517 5/24/2002 Filed	Client Pays M/F/Jun	GPE2	GPE2			SD San Diego	
11/24/2003			Transation Filed										
				56446-2018.67	Brazil	P10208517 5/24/2002 Filed	Client Pays M/F/Jun	GPE2	GPE2			SD San Diego	
						PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM							
11/24/2003			Back Taxes Due										
				56446-2018.68	Canada	2441666 5/24/2002 Filed	Client Pays M/F/Jun	GPE2	GPE2			SD San Diego	
						PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM							
11/24/2003			Natl Filing Fee Pd										
				56446-2018.68	Canada	2441666 5/24/2002 Filed	Client Pays M/F/Jun	GPE2	GPE2			SD San Diego	
						PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM							
11/24/2003			Transation Filed										
				56446-2018.69	China P.R.	02813270 5/24/2002 Filed	Client Pays M/F/Jun	GPE2	GPE2			SD San Diego	
						PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM							
11/24/2003													
11/24/2003			Natl Filing Fee Pd										
				56446-2018.72	Japan	200259246 5/24/2002 Filed	Client Pays M/F/Jun	GPE2	GPE2			SD San Diego	
						PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM							
11/24/2003			Transation Filed										
				56446-2018.72	Japan	200259246 5/24/2002 Filed	Client Pays M/F/Jun	GPE2	GPE2			SD San Diego	
						PHYTASES, NUCLEIC ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM							

Monday, November 24, 2003

MORRISON & FOERSTER LLP
Morrison & Foerster Actions Due Docket

Item	Action Due	Deadline	Assign	Docket #	Country	Application Date	State	Sub-State	Billing Work Area	Attala/Maile Office
		11/24/2003	Transcription Filed	56446-20018.73	South Korea	10/2003/01	524/2002	Filed	GPE2 GPE2	SD San Diego
									PRYTASES, NUCLEAR ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM	
		11/24/2003	Non Filing Fee Pd	56446-20018.73	South Korea	10/2003/01	524/2002	Filed	GPE2 GPE2	SD San Diego
									PRYTASES, NUCLEAR ACIDS ENCODING THEM AND METHODS FOR MAKING AND USING THEM	